

Jen Lee Law, Inc.
Jen Grondahl Lee, No. 270012
Leo G. Spanos, No. 261837
Connie Tche, No. 255235
Amir Beg, No. 322363
111 Deerwood Road, Suite 200
San Ramon, California 94583
(925) 583-6738
jen@jenleelaw.com

Attorney for Creditor United Constructors Inc.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

In re:

HIDDEN GLEN, LLC

Debtor,

UNITED CONTRSTUCTORS INC.,

Movant,

v.

HIDDEN GLEN, LLC

) Case No. 20-41767 CN

) Chapter 11

) **DECLARATION IN SUPPORT OF**
) **MOTION FOR RELIEF FROM**
) **THE AUTOMATIC STAY**

) DATE: January 15, 2021

) TIME: 11 a.m.

) PLACE: Tele/Videoconference
) U.S. BANKRUPTCY COURT

) Honorable Charles Novack

) Property: 3223 & 3225 Clayton Road,
) Concord, California 94521

CASH PAYNE’S DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM
STAY

1 I, CASH PAYNE, President of United Constructors Inc (“UCI”), Secured Creditor in the above
2 referenced matter, affirm under penalty of perjury that the following is true and correct to the
3 best of my knowledge:

- 4 1. I am President of UCI, a position I have held since the business incorporated on July 13,
5 2016.
- 6 2. UCI is a California Corporation and duly licensed general contractor (CSLB License No.
7 1013861).
- 8 3. On or about August 9, 2018, UCI entered into a contract with Hidden Glen, LLC to
9 perform work on the development of two duplexes located at 3223 & 3225 Clayton Road,
10 Concord, California 94521 (“Properties”).
- 11 4. On or about April 28, 2019, UCI entered into a second contract with Hidden Glen, LLC
12 for additional work on the development of the Properties.
- 13 5. On or about February 2020, after one of the duplexes was completed and substantial
14 work had been completed on the second, Hidden Glen, LLC terminated UCI.
- 15 6. UCI has a mechanics lien against the Properties for at least \$612,829.07 and is thus, the
16 senior lienholder against the Properties.
- 17 7. In addition to the mechanics lien, UCI has other claims against Hidden Glen, LLC.
- 18 8. Combining the mechanics lien and other claims, UCI has claims in excess of
19 \$1,277.853.02 against Hidden Glen, LLC.
- 20 9. On or about June 9, 2020, UCI filed a claim (“Claim”) against Hidden Glen, LLC in
21 Contra Costa County Superior Court. (Case No. C20-01044).
- 22
- 23
- 24
- 25

1 10. The Claim is for Breach of Written Contract, Breach of Oral Contract, Foreclosure of
2 Mechanic's Lien, Negligent Misrepresentation, Abandonment/Quantum Merit, and
3 Partnership.

4 11. On or about October 19, 2020, the Hidden Glen, LLC filed a cross-complaint ("Cross
5 Complaint") against UCI for \$1,065,000,

6 12. On November 9, 2020, the Hidden Glen, LLC filed a voluntary petition for Chapter 11
7 bankruptcy.

8 13. Hidden Glen, LLC is currently operating as a debtor-in-possession ("Debtor").

9 14. The Debtor listed the Properties in Schedule A/B.

10 15. The Debtor listed the Cross-Complaint against UCI as an asset in the amount of
11 \$1,065,00 on Schedule A/B.

12 16. UCI is also listed as a secured creditor for \$612,829.07 on Schedule D.

13 17. The completed duplex is being rented under a residential lease for \$6,190.

14 18. The uncompleted duplex is not generating income.

15 19. The Properties have a current market value of \$2.6 million and are subject to liens
16 totaling \$2,821,383.35.

17 20. The Properties are earning \$6,190 (based on the completed duplex) yet contractual
18 monthly expenses, not including payment on UCI's lien, total \$18,304.90.

19 21. On December 17, 2020, the Debtor filed a Motion for Approval of Use of Cash Collateral
20 and scheduled a hearing for January 15, 2021 at 11 a.m.

21 22. On behalf of UCI, I approved an objection to the Debtor's Motion for Approval of Use of
22 Cash Collateral and a Motion for Relief from Stay to be filed.
23
24
25

1
2
3 Declared in the city of Alamo, California on this 6 day of January, 2021.
4

5 **NAME: CASH PAYNE**

6 **SIGNATURE:**

7 
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25